

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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RONALD P. PASSATEMPO, Trustee of the Samuel  
Pietropaolo Irrevocable Trust, *et al.*,

*Plaintiffs,*

v.

FREDERICK V. McMENIMEN III, *et al.*,

*Defendants.*

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Case No. 05-CV-10118-GAO

**MOTION OF DEFENDANT FREDERICK V. McMENIMEN III  
FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11**

Pursuant to Rule 11(c)(1)(A) of the Federal Rules of Civil Procedure, defendant Frederick V. McMenimen, III (“Mr. McMenimen”) respectfully requests that the Court impose an appropriate sanction upon the attorneys, law firm and parties who have violated subdivision (b) of that Rule in connection with the filing of a motion for preliminary injunction (DE # 15) and, if others share responsibility for the violation, upon those individuals as well.

In support of this motion, Mr. McMenimen states that the offending document is not warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.<sup>1</sup> In further support of this motion, Mr. McMenimen files herewith a memorandum of reasons, including citation of supporting authorities, why it should be granted.

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<sup>1</sup> Mr. McMenimen also believes that the offending motion was presented for an improper purpose, such as to harass him or to cause unnecessary delay or needless increase in the cost of litigation, but he bases this motion only on the patent legal deficiency of the plaintiffs’ motion for a preliminary injunction.

WHEREFORE, for the reasons set out above, Mr. McMenimen respectfully requests that the foregoing motion be granted.

Respectfully submitted,

FREDERICK V. MCMENIMEN III

By his attorney,

*/s/ William P. Corbett, Jr.*

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Dated: May 5, 2005

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